

REMARKS

In the Office Action, claims 1, 5 and 7 were objected to for certain informalities and claims 1–46 were rejected. By the present Response, Applicants have amended claims 1, 5, 7, 23, 32, and 39. Upon entry of the amendments, claims 1–46 will be pending in the present application. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Non-Statutory Doubling Patenting

In the Office Action, claims 1–38 were rejected under the judicially created doctrine of obviousness-type doubling patenting as being unpatentable over claims 1–20 of U.S. Patent No. 6,667,879 (hereinafter “the ‘879 patent”). Applicants do not agree with this rejection, because the pending claims are non-obvious and patentably distinct from the claims of the ‘879 patent. Nonetheless, Applicants will strongly consider filing a terminal disclaimer once the allowability of the pending claims has been determined. Accordingly, Applicants respectfully request that the Examiner hold the double patenting rejection in abeyance until the allowability of the presently pending claims is finally determined.

Rejections Under 35 U.S.C. § 102

In the Office Action, claims 1, 3–11, 23, 24, 26–39, 41–44, and 46 were rejected under 35 U.S.C. § 102(b) as anticipated by the Kajiura et al. reference (U.S. Patent No. 6,155,853; hereinafter “Kajiura”), and claims 12–15, 17–20, 22, and 45 were rejected under Section 102(b) as anticipated by the Mitchell et al. reference (U.S. Patent No. 5,305,180; hereinafter “Mitchell”).

Applicants, however, respectfully assert that neither Kajiura nor Mitchell anticipates the pending claims, because the pending claims recite features not found in these references. A *prima facie* case of anticipation under Section 102 requires a showing

that each limitation of a claim is found in a single reference, practice or device. *See In re Donohue*, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985). Thus, for a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *See In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Indeed, "[t]he identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Furthermore, for anticipation the cited reference must not only disclose all of the recited features but must also disclose the part-to-part relationships between these features. *See Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481, 486 (Fed. Cir. 1984). Therefore, if a claim recites even one feature or relationship not found in the cited reference, the cited reference cannot be said to anticipate the claimed subject matter. An exact correspondence must be found between the cited reference and the claimed subject matter.

First Rejection Under 102(b)

In the Office Action, claims 1, 3-11, 23, 24, 26-39, 41-44, and 46 were rejected under 35 U.S.C. § 102(b) as anticipated by Kajiura. In rejecting independent claims 1, 23, 32, and 39, the Examiner stated as follows:

Kajiura teaches a latch mechanism (fig. 1) for a removable component (38) of an electronic device (10), comprising: a retention latch (78), a leveraging release member (34), and a multi-stage actuator (86 and 36) comprising: a first actuator member (86) having a generally linear path of travel (76) to move the retention latch, and a second actuator member (36) having a generally linear path of travel (76) to move the leveraging release member, wherein the first actuator is linearly movable independent of the second actuator (claim 1).

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Kajiura teaches a computer chassis (not shown, see col. 1, lines 13-20) comprising: a support structure (fig. 1) having a receptacle (10) adapted to receive a removable component (38), a component retention latch (78) adapted to latch the removable component removably within the receptacle, a component release lever (34) adapted to leverage the removable component out of the receptacle, a first actuator (86) movable

in a first linear path (76) adapted to unlatch the component retention latch from the removable component, and a second actuator (36) movable in a second linear path (76) adapted to bias the lever against the removable component, wherein the first actuator is movable in the first linear path without movement of the second actuator (fig. 3) (claim 23); . . . and a method of operating the mechanism claimed in claims 32-38 being disclosed in the specification; and a method of manufacturing the mechanism as claimed in claims 39 and 41-44 being disclosed in the specification (claims 32-39 and 41-44).

Office Action mailed April 10, 2004, pp. 4, 6, and 7.

Applicants, however, respectfully assert that the pending claims recite features not found in Kajiura, as discussed further below.

Amended Independent Claim 1 and the Claims Depending Therefrom

For example, Kajiura does not disclose a latching mechanism comprising “a first actuator . . . to move the retention latch” and “a second actuator . . . to move the leveraging release member . . . wherein the second actuator member is actuated by the first actuator member,” as is recited in amended independent claim 1. (Emphasis added.) Instead, Kajiura discloses a pushrod 36—which controls actuation of pivotal lever 34—that cannot be actuated by a switch mechanism 86—which controls movement of hook 82. That is, the switch mechanism 86 and the pushrod 36 of Kajiura are independent of one another. Kajiura teaches that actuation of the switch mechanism 86 in the forward direction 76a causes a hook 82 to move radially outward and into a slide rail 14b, releasing the hook 82 from the device 38. *See* Kajiura, col. 9, ll. 52–56; FIGS. 2 and 3. Specifically, a projection 90 in the switch mechanism 86 of Kajiura extends into a guide groove 84, and this projection 90 translates movement of the switch mechanism 86 into a releasing movement of the hook 82, in turn unlocking the device 38. *See id.* at col. 7, ll. 64–68. At no time, however, does actuation of the switch mechanism 86 of Kajiura effectuate or relate to actuation of push rod 36. Rather, an operator must manually and independently slide knob 66 of push rod 36 forward, causing push rod 36 to pivot lever

34 and, resultantly, eject device 38. *See id.* at col. 9, ll. 61–63, col. 10, ll. 12–13, FIGs. 1–3. In summary, push rod 36 of Kajiura is not configured to actuate in response to actuation of the switch mechanism 86, and vice versa. Thus, Applicants respectfully assert that Kajiura does not disclose all of the features recited in amended independent claim 1.

With the foregoing in mind, Applicants respectfully assert that Kajiura does not anticipate amended independent claim 1 and its respective dependent claims 3–11. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claim 1 and 3–11.

Amended Independent Claim 23 and the Claims Depending Therefrom

Additionally and by way of example, Applicants respectfully assert that Kajiura does not disclose a “first actuator ... to unlatch the component retention latch” and “a second actuator to bias the lever ... wherein the second actuator is configured to be actuated to move the component release member in response to actuation of the first actuator to effect said movement of the component retention latch in response to actuation of the first actuator,” as is recited in amended independent claim 23. (Emphasis added.) As discussed above, the push rod 36 of Kajiura operates independently of the switch mechanism 86. Thus, this push rod 36 is not configured to actuate in response to actuation of the switch mechanism 86. Because of this independence, Applicants respectfully assert that Kajiura does not disclose all of the features recited in amended independent claim 23.

With the foregoing in mind, Applicants respectfully assert that Kajiura does not anticipate independent claim 23 and its respective dependent claims 24 and 26–31. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 23, 24, 26–31, and 46.

Amended Independent Claim 32 and the Claims Depending Therefrom

By way of example, Applicants respectfully submit that Kajiura does not disclose the acts of “providing a first actuator ... to move the latch” and “providing a second actuator ... to move the lever...wherein the second actuator is configured to be actuated in response to actuation of the first actuator to release the drive retention latch,” as is recited in amended independent claim 32. (Emphasis added.) As discussed above, the push rod 36 of Kajiura operates independently of the switch mechanism 86. Thus, this push rod 36 is not configured to actuate in response to actuation of the switch mechanism 86. Because of this independence, Applicants respectfully assert that Kajiura does not disclose all of the features recited in amended independent claim 32.

With the foregoing in mind, Applicants respectfully assert that Kajiura does not anticipate amended independent claim 32 and its respective dependent claims 33-38. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 32-38.

Second Rejection Under 102(b)

In the Office Action, claims 12-15, 17-20, 22 and 45 were rejected under 35 U.S.C. § 102(b) as anticipated by Mitchell. In rejecting independent claim 12, the Examiner stated as follows:

Mitchell teaches a computer drive (20, fig. 2) comprising: a drive chassis (20), a latch (90) movable between released and secured positions (figs. 5) against the drive chassis, a lever (135) movable between unleveraged and leveraged positions (figs. 6) against the drive chassis, a first actuator (108) configured to engage with the latch to move the latch from the secured position to the released position, and a second actuator (42) configured to engage with the lever after the latch has been moved to the released position to move the lever from the unleveraged position to the leveraged position (claim 12).

Office Action mailed April 10, 2004, p. 5. Furthermore, in response to Applicants' previous arguments, the Examiner stated as follows: "Referring [to] col. 8, lines 15-51 of the specification of Mitchell, the unlatching and unlocking are done before eject member 135 [is] to be moved. It would be hardly possible for a drive being ejected before [*sic*] unlocked." *Id.* at p. 10.

Prior to addressing the deficiencies of Mitchell, Applicants respectfully reiterate that strict correspondence must be found between the cited reference and the claimed subject matter for a valid *prima facie* case of anticipation. In the present case, Applicants have not claimed a drive that is unlocked before it is ejected, a feature that the Examiner asserts is found in Mitchell. Instead, Applicants claim an assembly having a "first actuator configured to engage with the latch to move the latch" and "a second actuator configured to engage with the lever after the latch has been moved to the released position to move the lever." (Emphasis added.) It is this specific claim recitation that Applicants contend is one of claimed features not found in Mitchell.

In contrast to the subject matter of the above-quoted claims, Mitchell discloses a latching assembly including a shaft 42 engaging a pivotable member 90 and a pivotable ejector member 135. The Mitchell device includes a catch member 108 that is secured to the shaft 42. *See* Mitchell, col. 6, ll. 53-55. "Catch member 108 is provided with an outwardly extending angled tooth 110 (FIG. 6A) which engages surface 105 of pivotable member 90 when the shaft 42 is forced inwardly by pressure on knob 41 (see FIG. 6B). Thus when the shaft 42 is forced inwardly, the pivotable locking member 90 is rotated in the clockwise direction as viewed in FIGS. 4, 6A and 6B to release the locking edge 95 from the locking edge 28 in the disk drive 20." Mitchell, col. 6, ll. 55-63. "Positioned adjacent the inner end of shaft 42 is a pivotable member 135." *Id.* at col. 7, ll. 30-31. Mitchell also states that "[m]ember 135 is arranged such that inward motion of the shaft 42 causes the member 135 to pivot about post 136" (Mitchell, col. 7, ll. 38-40) and that "[i]nward movement of shaft 42 causes angled tooth 110 to rotate pivotable member 90

clock-wise until locking edge 95 disengages from locking edge 28 formed in disk drive 20" (Mitchell, col. 7, ll. 38-40). Thus, in Mitchell, inward movement of shaft 42 simultaneously moves both pivotable members 90 and 135. Accordingly, pivotable member 135 of Mitchell is not engaged after member 90 is released or unlocked with respect to the disk drive 20. But instead pivotable member 135 of Mitchell must be engaged by the shaft 45 while the pivotable member 90 is still in a locked position with respect to the disk drive 20.

Thus, Applicants respectfully assert that Mitchell does not disclose the above quoted feature of, and does not anticipate, independent claims 12 and its respective dependent claims 13-15, 17-20, and 22. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of claims 12-15, 17-20, and 22.

Rejections Under 35 U.S.C. § 103

In the Office Action, dependent claims 2, 25 and 40 were rejected under 35 U.S.C. § 103(a) obvious in view of Kajiura and Mitchell, dependent claim 16 was rejected under 35 U.S.C. § 103(a) as obvious in view of Mitchell and the Tirrell et al. reference (U.S. Patent No. 5,828,546; hereinafter "Tirrell"), and dependant claim 21 was rejected under 35 U.S.C. § 103(a) as obvious in view of Mitchell and the Lwee reference (U.S. Patent No. 5,299,089; hereinafter "Lwee").

Applicants, however, respectfully assert that the additional references, Lwee and Tirrell, do not obviate the previously discussed deficiencies of Mitchell and Kajiura, either alone or in combination. Accordingly, Applicants respectfully assert that the presently rejected dependent claims are patentable over and non-obvious in view of Kajiura, Mitchell, Lwee, and Tirrell, taken alone or together by virtue of their respective dependencies on allowable base claims and by virtue of the additional features recited therein. With the foregoing in mind, Applicants respectfully request reconsideration and allowance of dependent claims 2, 16, 21, 25, and 40.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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